

United States District Court  
Southern District of Texas  
FILED

JUL 17 2016

David J. Bradley, Clerk

## UNITED STATES DISTRICT COURT

SOUTHERN

DISTRICT OF

TEXAS

UNITED STATES OF AMERICA

*Amended pro*  
Tomas **HERNANDEZ**

YOB: 1983

United States Citizen

## CRIMINAL COMPLAINT

Case Number: *M-16-1337-M*

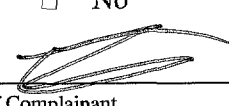
I, Nicholas J. Ilg, the undersigned complainant state that the following is true and correct to the best of my

Knowledge and belief. On or about July 15, 2016 in Hidalgo County, in  
(Date)  
the Southern District of Texas Defendant(s) did,

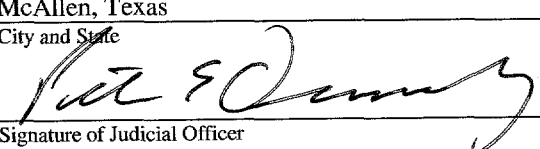
Knowingly and intentionally possess with intent to distribute approximately 2.24 kilograms of Methamphetamine, a Schedule II controlled substance, and did knowingly and intentionally conspire to possess with intent to distribute approximately 2.24 kilograms of Methamphetamine, a Schedule II controlled substance.

in violation of Title 21 United States Code, Section(s) 841(a)(1), 846.I further state that I am a(n) HSI Special Agent And that this complaint is based on the  
Official Title  
following facts:

See Attachment "A"

Continued on the attached sheet and made a part of this complaint: ☒ Yes ☐ No  
Signature of ComplainantNicholas J. Ilg Special Agent HSI  
Printed Name of Complainant

Sworn to before me and signed in my presence,

July 17, 2016  
Date*4:30 pm*McAllen, Texas  
City and StateU.S. Magistrate Judge Peter Ormsby  
Name and Title of Judicial Officer  
Signature of Judicial Officer

### **Attachment "A"**

On July 15, 2016 at approximately 4:51 P.M. a Honda Accord bearing Texas license plates CZH-7517, made entry into the United States from Mexico at the Hidalgo, Texas Port of Entry (POE). The vehicle operator and sole occupant was positively identified as registered owner Tomas HERNANDEZ, a citizen and national of the United States. During primary inspection the Customs and Border Protection Officer (CBPO) received a negative oral declaration from HERNANDEZ for contraband, to include narcotics. The CBPO observed HERNANDEZ to be nervous, averting his gaze, shifting his position in the vehicle seat, and drumming his fingers. CBPO's reviewed the border crossing history for HERNANDEZ, which included several trips of short durations in successive days. CBPO's also noted a 2012 encounter whereas HERNANDEZ was found in possession of narcotics by CBP.

HERNANDEZ and the Honda were referred for additional inspection, to include Non-Intrusive Inspection (NII) via X-Ray. CBPO's conducting the NII detected an anomaly in the battery of the vehicle. Within Secondary Inspection, CBPO's observed HERNANDEZ as reluctant to exit the vehicle, continued to fidget anxiously, and to avert his gaze from that of CBPO's when asked specifics about the vehicle. A CBP Canine Enforcement Officer and his assigned canine (K-9) conducted an inspection of the vehicle. The K-9 alerted the CBP Canine Enforcement Officer to the odor of narcotics, emitting from or near the front drivers side of the vehicle. An inspection of the battery found it to have been modified after manufacture, creating a void within the battery.

CBPO's extracted four (04) individually wrapped bundles from within the Honda's battery. CBPO's examined and field drug tested a sample from each package. The field drug tests bore positive results for the chemical characteristics of methamphetamine. The resulting weight of the four (04) bundles consisted of approximately two-point-twenty-four (2.24) kilograms.

Homeland Security Investigations (HSI) McAllen Special Agents (SA) were contacted, advised of the incident, and responded to the Hidalgo POE.

HSI SA advised HERNANDEZ of his constitutional rights, in the English Language, on a Statement of Rights Document. HERNANDEZ signed the rights document, affirming verbally and in writing that he understood his rights and wished to waive these rights, allowing an interview.

HERNANDEZ stated he had purchased the battery for approximately forty dollars (\$40) from an unknown vender in Reynosa, Mexico. HERNANDEZ stated that he had placed the battery within the Honda and that he alone had access to the vehicle since. HERNANDEZ admitted he found the weight and feel of the battery to be abnormal. HERNANDEZ stated several times during the interview that he had connections with local drug trade and trafficking groups.